

UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF NEW YORK

MARTÍN JONATHAN BATALLA VIDAL,  
ANTONIO ALARCON, ELIANA FERNANDEZ,  
CARLOS VARGAS, MARIANO MONDRAGON,  
and CAROLINA FUNG FENG, on behalf of  
themselves and all other similarly situated  
individuals, and MAKE THE ROAD NEW YORK,  
on behalf of itself, its members, its clients, and all  
similarly situated individuals.

*Plaintiffs,*

v.

KIRSTJEN M. NIELSEN, Secretary of the  
Department of Homeland Security, JEFFERSON  
BEAUREGARD SESSIONS III, Attorney General  
of the United States, and DONALD J. TRUMP,  
President of the United States,

*Defendants.*

**PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION**

Case No. 1:16-cv-04756 (NGG) (JO)

Pursuant to Federal Rules of Civil Procedure 65, Plaintiffs—Martín Jonathan Batalla Vidal, Antonio Alarcon, Eliana Fernandez, Carlos Vargas, Mariano Mondragon and Carolina Fung Feng, on behalf of themselves and a proposed nationwide class of similarly situated individuals, and Plaintiff Make The Road New York, on behalf of itself and its members and clients—hereby move for a preliminary injunction of Defendants' termination of the Deferred Action for Childhood Arrivals ("DACA") program. Plaintiffs' motion is supported by the accompanying memorandum of law, declarations and exhibits.

As explained in the accompanying memorandum, Plaintiffs are likely to succeed on their claims that Defendants' termination of DACA was arbitrary and capricious and violated the procedural requirements of both the Administrative Procedure Act ("APA") and the Regulatory Flexibility Act ("RFA"). Defendants' termination of the DACA irreparably harms Plaintiffs and

members of the proposed class, and the balance of the equities and the public interest heavily favor provisional relief and a return to the status quo prior to the September 5, 2017 termination.

Dated: December 15, 2017

Respectfully submitted,  
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+Admitted only in Louisiana, application pending in New York

\*\* Application pending in EDNY

### **CERTIFICATE OF SERVICE**

I hereby certify that on December 15, 2017, a true and correct copy of the foregoing Motion for Preliminary Injunction, the accompanying memorandum of law, and all supporting declarations and exhibits were filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF system.

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